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Approved For Release 2005/01/13 : CIA-RDP80B01554R003300310062-8

Tape 20

Side A, 1 1/4 - 1 5/16

4 DEC 1978

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MEMORANDUM FOR: [REDACTED]

FROM: DCI

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I'd like to see [REDACTED] please.

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"...The top-secret papers linked President Thieu to international heroin smuggling..."

Saigon as he saw fit, in preparation for congressional testimony. He also says that Lawrence Eagleburger, then deputy undersecretary of state for management, and Brent Scowcroft, then assistant to the president for national-security affairs, knew of his possession of the papers and had cleared it. But Kissinger, Scowcroft, and Eagleburger tell a vastly different story.

Kissinger, reached at his Center for Strategic Studies offices, said he has "no knowledge of what Ambassador Martin is talking about. There is a procedure for declassifying documents, but I was not involved and I knew nothing about Mr. Martin's papers." Kissinger went to check his records and reported back that he could find no reference to any documents in his communications with Martin after the fall.

Scowcroft is more adamant still: "I, first of all, was in absolutely no position to authorize anything of that character. Classified papers and their disposition is a very technical kind of business. The only one of us that would be at all in that kind of position would have been Eagleburger."

Eagleburger, now U.S. ambassador to Yugoslavia, expressed incredulity at Martin's claim, characterizing it as "absolutely untrue." He explained that "if there was any clearance process, it clearly would have had to be in writing."

Martin further claims that "as ambassador I had the power to declassify anything." However, a State Department legal officer familiar with the case describes Martin's statement as "utter bullshit." Martin was required, as all retiring Foreign Service officers are, to sign an affidavit swearing he had surrendered all classified documents at the time of his separation from service.

Martin's alleged intention to donate the papers to the Lyndon Johnson Library is equally suspect. Harry Middleton, the LBJ Library director, reached in Austin, says that Martin got in touch with the library only in mid-February of this year, after the FBI had recovered the documents. Any earlier plans to give the papers to the library elude verification.

So why did Martin have the papers?

A State Department official familiar with the final days in Vietnam and Martin's career hazards a guess: "Graham Martin expected to get into a pissing match with Kissinger after Saigon. He always suspected that Kissinger would try to take the papers and

the fall of Vietnam on him. He thought that Vietnam was his show, his responsibility, totally. I guess he expected to get left holding the bag when the after-action evaluations were done. So he took a load of documents that he could use to discredit other people in State—particularly Kissinger—if they went after him. He must have thought, 'If they smear me, I'll smear them right back.' You know, that isn't all that rare with chiefs of mission in sensitive or controversial assignments. A lot of them have done it."

This hypothesis receives some credence from those acquainted with Martin's career. "He always loved to play politics," says a former USIA official who worked with Martin in Thailand. "He had this kind of 'Terry and the Pirates'—cloak-and-dagger—attitude toward everything. He used to take great glee in telling me how each member of the Thai cabinet could be approached and compromised." When Martin was ambassador to Rome in the early seventies, he was discovered to have provided secret funds for the Christian Democratic party, much to the embarrassment of U.S. policymakers. "Graham is Machiavellian," according to a Foreign Service officer who served with him in Italy. "He is the craftiest political actor I've ever met."

Martin was particularly suspicious of Kissinger after the evacuation of Saigon, some observers close to him report. Kissinger had cabled orders to Martin to make no statements to the press while he was still on the USS *Blueridge* en route to Manila. "Graham thought Kissinger was buying time to set him up as the fall guy for Vietnam. He never trusted Kissinger and, I guess, he got a little paranoid during the final days," an embassy intimate suggests. Others who knew Martin in Washington before his retirement tell of his claiming that Kissinger was "spreading rumors to reporters all over town" that Martin was "insane." Martin's pique extended to others around Kissinger, whose entourage he took to calling "those low bastards," especially Philip Habib. "When Habib was made undersecretary," a State Department associate of Martin's recalls, "Graham thought it was part of a conspiracy to deprive him of his place in history."

Regardless of Martin's motives, his mere possession of the documents may have violated the U.S. Code and his handling of the papers—including their

provisions of Title 18, Section 793 (f):

Whoever, being entrusted with or having lawful possession or control of any document . . . relating to the national defense, (1) through gross negligence permits the same to be . . . lost, stolen . . . or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen . . . and fails to make prompt report of such loss, [or] theft . . . to his superior officer—

Shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

On the surface, it appears that entrusting a trunk full of classified documents to a secretary to transport to Manila, storing the trunk in a hallway of a villa in Rome, or leaving it in the trunk of a 1973 Fiat with the keys in the ignition is "gross negligence." Martin's failure to report the theft of the documents to the FBI appears to come under Title 18, Section 793 of the U.S. Code. On the face of it, the failure of the Justice Department to initiate prosecution is only slightly less incredible than Martin's possession of the papers.

John Martin, the Justice Department official in charge of the case, refused to discuss its details, saying only that "the matter is under investigation and no disposition has been made." However, Justice Department sources suggest a complex set of maneuvers behind the scenes to ensure that Martin is never indicted.

"The man has lung cancer," one Justice Department lawyer says. "He's old and tired and nobody wants to give him any more grief."

"Don't let anybody kid you. Martin's health has nothing to do with Justice's stalling," another federal lawyer suggests. "Martin is part of a network that has run U.S. foreign policy for 30 years. If they go after him, he can turn up a lot of skeletons. If they go after him, no one could be certain they wouldn't be next. Don't be surprised if a number of high-ranking men in State have called Justice to put in a word for Martin. They don't want a precedent on this kind of thing set."

With civil litigation continuing against Frank Snepp and action contemplated against other former officials who have, perhaps, embarrassed policymakers while not revealing any classified material, the Justice Department's failure to proceed against Martin appears increasingly suspect. Perhaps there is one law for former ambassadors, and another for the rest.